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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2800

PATENT  
ATTORNEY DOCKET NO.: 040894-5507

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Haruo TANAKA	)	<b>Box AF</b>
	)	
Application No.: 09/447,419	)	Group Art Unit: 2879
	)	
Filed: November 23, 1999	)	Examiner: M. Santiago
	)	
For: ORGANIC EL DEVICE AND METHOD OF	)	
MANUFACTURING THE SAME	)	

Commissioner for Patents  
**Box AF**  
Washington, D.C. 20231

Sir:

**AMENDMENT**  
**UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Final Office Action dated November 29, 2001, (Paper No. 7), and pursuant to 37 C.F.R. § 1.116, the period of response to which extends through February 28, 2002.
2. Additional papers enclosed.
  - ☐ Notice of Appeal
  - ☐ Request for Approval of Drawing Changes
  - ☐ Information Disclosure Statement
  - ☐ PTO Form 1449
  - ☐ References cited on Form 1449
  - ☐ Declaration of Biological Deposit

3. **EXTENSION OF TIME**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input type="checkbox"/> three months	\$ 890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00
<input type="checkbox"/> five months	\$1,890.00	\$945.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. **CONSTRUCTIVE PETITION**

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. **FEE CALCULATION**

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	3	minus	20	0	<u>0</u> x \$18 each=	+ 0.00
Independent Claims	1	minus	3	0	<u>0</u> x \$80 each=	+ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$270.00	+ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						0.00
TOTAL FEE =						\$ 0.00

6. **FEE PAYMENT**

☒ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

☐ Please charge Deposit Account No. 50-0310 the amount of \$\_\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

- [x] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 28, 2002

By: 

David J. Kenealy

Reg. No. 40,411

**CUSTOMER NO.: 009629**

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